

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, NOVEMBER 4, 2015**

Present: Peter F. Murphy, Springfield District
Ellen J. Hurley, Braddock District
John C. Ulfelder, Dranesville District
James T. Migliaccio, Lee District
Julie Strandlie, Mason District
Earl L. Flanagan, Mount Vernon District
John L. Litzenberger, Jr., Sully District
James R. Hart, Commissioner At-Large
Janyce N. Hedetniemi, Commissioner At-Large
Timothy J. Sargeant, Commissioner At-Large

Absent: Kenneth A. Lawrence, Providence District
Frank A. de la Fe, Hunter Mill District

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The meeting was called to order at 8:18 p.m., by Chairman Peter F. Murphy in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

FS-V15-21 CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS, 8630 Richmond Highway

(Start Verbatim Transcript)

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Commissioner Flanagan: Thank you, Mr. Chairman. I have a “feature shown” application listed as FS-V15-21 on the agenda tonight. In the application Cellco Partnership, on behalf of Verizon Wireless, asked permission to locate one new 24-inch high by 12½-inch round, and two new 37-inch high remote radio head antennas on top of an existing building in the Eagle Side Shopping Center at 8630 Richmond Highway. The three antennas are not visible from the street or adjacent buildings and, therefore, satisfy the “feature shown” guidelines Policies A and C and Objective 44. I – what?

Chairman Murphy: Go ahead.

Commissioner Flanagan: I THEREFORE CONCUR WITH STAFF’S CONCLUSION THAT THIS NEW ANTENNA LOCATION BY CELLCO VERIZON WIRELESS IS SUBSTANTIALLY IN ACCORD WITH THE RECOMMENDATIONS OF THE ADOPTED

COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A “FEATURE SHOWN” AND MOVE THAT THE PLANNING COMMISSION FIND APPLICATION FS-V15-21 MEETS THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT AS SPECIFIED IN SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*, AS AMENDED.

Commissioners Hedetniemi and Litzenberger: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi and Mr. Litzenberger. Is there a discussion of the motion? All those in favor of the motion to concur with the “feature shown” determination in FS-V15-21, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 10-0. Commissioners de la Fe and Lawrence were absent from the meeting.

(End Verbatim Transcript)

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FS-D14-53 BC CONSULTANTS FOR THE FALLS CHURCH CITY SCHOOL BOARD AND CITY OF FALLS CHURCH VA (Decision Only) (The public hearing on this application was held on June 24, 2015.)

(Start Verbatim Transcript)

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Commissioner Ulfelder: Thank you, Mr. Chairman. We were scheduled for decision only this evening in the case involving the Mount Daniels Elementary School expansion and renovation. By letter dated October 30th from the representative for the applicants, along with some additional material that they had prepared in the meantime, they have requested an indefinite deferral of this application while they consider what their next steps might be in connection with it. They are also planning a community meeting at Mount Daniel Elementary School next Thursday, November 12th, at 7 o'clock, to go through some of the new material that they've produced and to consider what their next steps might be in connection with their proposed plans for that elementary school. For some of you who don't know, the elementary school is located in Fairfax County, but it's actually owned and operated by the Fall – by the City of Falls Church and the Falls Church City Public Schools system. Therefore, Mr. Chairman, I'm going to MOVE FOR the - as requested by the applicants - AN INDEFINITE DEFERRAL OF FS-D14-53.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to defer indefinitely with the record remaining open for comment FS-D14-53, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 10-0. Commissioners de la Fe and Lawrence were absent from the meeting.

(End Verbatim Transcript)

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Commissioner Hedetniemi announced that the Commission's Tyson Committee Meeting was cancelled for November 5, 2015, with a new date to be determined in December.

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Commissioner Hart announced that the Commission received a group of minutes today and to submit corrections or comments to John Cooper, Clerk to the Planning Commission, by December 3, 2015. It was scheduled for motion on December 10, 2015.

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Commissioner Hart announced that the Commission's Environment Committee Meeting was cancelled for December 2, 2015, and rescheduled to December 3, 2015, at 7 p.m. in the Board Conference Room of the Fairfax County Government Center with the agenda to be determined.

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Commissioner Hart referred to a memo from Noel Kaplan, Planning Division, Department of Planning and Zoning, regarding Environment Committee Executive Summary and white paper draft on Electric Vehicle Charging Infrastructure. He stated that the vote regarding the Committee's recommendation originally scheduled for November 18, 2015, had been moved to November 19, 2015, and to submit any questions to Mr. Kaplan.

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Since the following case was in the Springfield District, Secretary Hart assumed the chair.

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RZ/FDP 2015-SP-004 – CHRISTOPHER LAND, LLC (Decision Only) (The public hearing was held on October 21, 2015.)

(Start Verbatim Transcript)

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Commissioner Murphy: Scheduled this evening for a public for public – decision only is RZ/FDP 2015-SP-004, Christopher Land, LLC. We had the public hearing on the 21st of October and we had quite a lengthy discussion on the adequacy of the cash proffer, and I deferred decision to see how that was going to flesh out. Unfortunately, I couldn't come to any conclusion. The only conclusion I came to was, this could be the start of something that's going to be a recurring theme before the Planning Commission because I think more agencies, boards – whatever – the School Board, the Redevelopment Housing Authority, the Park Authority, and so forth – will be coming to us for - with cash proffers, asking the applicant for cash proffers. And of course, the proffers are voluntary and, what can we do to influence the flow of the proffer and so forth. Having said that, I – I intend, within the next two weeks, to talk to the County Attorney about this because I want to make sure that what we do now is right, before this blossoms into a bigger issue, and ask the County Attorney if it's necessary for us to have a legal briefing by the County Attorney. But until that time, I'm going to continue to defer decision only on this till the – the date will be the 19th of November. So, I MOVE WE CONTINUE DECISION ONLY ON RZ/FDP 2015-SP-004 TO A DATE CERTAIN OF NOVEMBER 19TH, WITH THE RECORD REMAINING OPEN FOR COMMENT.

Commissioner Litzenberger: Second.

Secretary Hart: Seconded by Mr. Litzenberger. Is there any discussion of the motion? Seeing none we'll move to vote. All in favor, please say aye.

Commissioners: Aye.

Secretary Hart: Those opposed? That motion carries. Thank you.

The motion was carried by a vote of 10-0. Commissioners de la Fe and Lawrence were absent from the meeting.

(End Verbatim Transcript)

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Chairman Murphy resumed the chair.

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Secretary Hart established the following order of the agenda:

1. SE 2014-MV-051 – TESTEY HAMDAEL D/B/A WONDERFUL CHILD CARE
2. RZ 2015-SP-003 – CHRISTOPHER LAND, LLC

This agenda was accepted without objection.

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SE 2014-MV-051 - TESTEY HAMDAEL DBA WONDERFUL CHILD CARE –
Appl. under Sects. 6-105, 6-106 and 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 8257 Native Violet Dr., Lorton, 22079, on approx. 10,294 sq. ft. of land zoned PDH-4. Tax Map 107-2 ((10)) 6. MOUNT VERNON DISTRICT. PUBLIC HEARING.

Testey Hamdael, Applicant/Title Owner, reaffirmed the affidavit dated September 4, 2015.

There were no disclosures by Commission members.

Carmen Bishop, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of application SE 2014-MV-051.

In response to questions from Commissioner Flanagan, Ms. Bishop explained that the applicant was the owner of the property along with one other person listed on the deed which had been reviewed and approved by the county attorney's office. She said the applicant had made an error when she had reported the height of the front yard fence when it was originally built; however, it was in conformance with the Zoning Ordinance and noted that development condition Number 13, dated November 2, 2015, addressed the issue.

Commissioner Sargeant questioned the 5:30 p.m. pickup and closing time listed for the daycare facility. He asked Ms. Bishop if a slightly later closing time would be better to prevent any overlap. Ms. Bishop said the state had the applicant's hours of operation listed until 5:30 p.m. which the county preferred to keep consistent and deferred further explanation to the applicant.

Ms. Hamdael stated that she agreed to the development conditions dated November 2, 2015, and requested approval of her application.

Chairman Murphy called for speakers, but received no response; therefore, he noted that a rebuttal statement was not necessary. He then called for concluding remarks from the Planning Commission.

Following up on his earlier question to staff, Commissioner Sargeant asked Ms. Hamdael about the pickup and closing time of her daycare facility. Ms. Hamdael responded that she did not need her closing time extended because the parents were aware and complied with her strict time requirements.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Flanagan for action on this case.

(Start Verbatim Transcript)

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Chairman Murphy: Public hearing is closed, Mr. Flanagan.

Commissioner Flanagan: Thank you, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2014-MV-051, SUBJECT TO THE CONDITIONS dated – THAT ARE NOW DATED NOVEMBER 2, 2015.

Commissioners Litzenberger and Sargeant: Second.

Chairman Murphy: Seconded Mr. Litzenberger and Mr. Sargeant. Is there a discussion of the motion? All those in favor –

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Hart: Did we ask the applicant if she had –

Chairman Murphy: He did.

Commissioner Flanagan: Yes.

Commissioner Hart: Okay, all right.

Chairman Murphy: All those in favor of the motion to recommend to the Board of Supervisors to approve SE 2014-MV-051, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion was carried by a vote of 10-0. Commissioners de la Fe and Lawrence were absent from the meeting.

(End Verbatim Transcript)

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Since the following case was in the Springfield District, Secretary Hart assumed the chair.

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RZ 2015-SP-003 - CHRISTOPHER LAND, LLC – Appl. to rezone from R-1 to R-8 to permit residential development with a total density of 6.4 dwelling units per acre (du/ac) and a waiver of the minimum district size requirement. Located on the E. side of Burke Lake Rd., 600 ft. N. of its intersection with Shiplett Blvd., on approx. 1.88 ac. of land. Comp. Plan Rec: Residential, 5-8 du/ac. Tax Map 78-3 ((1)) 2. SPRINGFIELD DISTRICT. PUBLIC HEARING.

John Reagan, Applicant's Agent, Christopher Land, LLC, reaffirmed the affidavit dated June 5, 2015.

There were no disclosures by Commission members.

Nicholas Rogers, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of application RZ 2015-SP-003.

Commissioner Hurley asked Mr. Rogers for clarification regarding the language used on page 9 of the staff report referencing a future consolidation with the adjacent property because it implied a merger of the two lots. Mr. Rogers explained that it referred to a future interparcel access between the two properties if that lot was redeveloped in the future.

Commissioner Hurley questioned Mr. Rogers regarding Sheet 5A, page 6 of the staff report, which demonstrated one option of how a motorist could access the applicant's property from Burke Lake Road. She stated her concern over the depicted U-turn and asked if it was possible for vehicles to maneuver. He explained that the graphic was a graphical image created to demonstrate the turning options only, not a realistic preview of how the vehicles could maneuver the U-turn. Mr. Rogers deferred further explanation to Robert Pikora, Fairfax County Department of Transportation (FCDOT), who said that he had consulted with staff from the Virginia Department of Transportation (VDOT) regarding the issue and they agreed that the four lanes on Burke Lake Road should allow for most vehicles to maneuver the U-turn; however, he noted that some large vehicles would need to use the left traffic lane instead of the left turn lane in order to complete it.

Commissioner Hurley noted that a letter from Thomas Wilder dated November 4, 2015, was submitted for comments and would be made a part of the record.

Secretary Hart agreed with Commissioner Hurley's comments and expressed concern over the different options being proposed in the staff report to access the applicant's property because it did not indicate which scenario would be implemented and whether there would be interparcel access or not. He indicated that since the applicant and adjacent properties were both below the minimum district size it would be better and less complicated to have an interparcel access between the two to avoid additional U-turn situations in the future on Burke Lake Road should the adjacent property redevelop. Secretary Hart questioned why this issue had not been resolved

prior to the public hearing. Mr. Rogers explained that the applicant had not entered into a negotiation with the adjacent property owner because there was no imminent redevelopment. He said that Proffer Condition 25 offered a commitment from the applicant to provide interparcel access if the adjacent property was redeveloped in the future and the developer agreed to it. Secretary Hart noted his preference for Sheets 4 and 5 regarding access and asked if Sheet 5A could be removed from consideration since it did not provide the interparcel access. Mr. Rogers acknowledged staff's preference for one access option also but noted that in order for the applicant to meet VDOT's sight distance requirements they needed to obtain a sight distance easement from the adjacent property owner or offer an alternative location to exit the property; therefore, the applicant also submitted Sheet 5A because it would allow more options during site plan review because it did not require the interparcel access or waivers from VDOT.

Following up on Secretary Hart's comments, Commissioner Ulfelder asked whether the only option for access to the property would be as depicted on Sheet 5A if the applicant could not obtain a sight distance easement from the adjacent property owner or a sight distance waiver from VDOT. Mr. Rogers confirmed and added that since the publication of the September 10th staff report they have had discussions with VDOT who indicated it was possible for the applicant to achieve the sight distance requirement as shown on the Sheet 5 option. He again noted that the applicant incorporated the Sheet 5A option because at the time they were unsure about their ability to achieve VDOT's requirements. Commissioner Ulfelder asked Mr. Rogers to describe what was on the adjacent property that created a sight distance issue for the applicant. He explained that VDOT required a clear line of sight for a motorist exiting the development onto Burke Lake Road to the hill and while currently there were no obstructions VDOT wanted to prevent any future redevelopment from interfering with that sight for safety reasons; therefore, they were requiring either a sight distance easement from the adjacent property owner or a waiver.

Commissioner Murphy announced that he would defer the decision only on this application at the end of the public hearing.

Commissioner Sargeant asked staff to explain how the contributions to initially set up the home owner's association (HOA) were calculated for these applications. He noted his concern over smaller HOA's being established due to infill development within the county and their responsibility to fund the maintenance of their private roads. Commissioner Sargeant said it appeared that the applicant provided enough funds for the initial maintenance and repair of the road but questioned whether it was enough for the future. Mr. Rogers said there was not a standard formula that was used by staff but instead suggested that the applicants provide enough money in advance to help setup the HOA for the future. He added that staff did not consider it a reason to deny a rezoning application. Commissioner Sargeant noted that the applicant had increased the proffer donation for various other areas including schools and thought it would be helpful to have a formula to determine the contribution for smaller HOA's to help keep them viable for the future.

Commissioner Strandlie agreed with Commissioner Sargeant's comments and also noted her concern over the limited HOA contribution. She added that some HOA documents had a cap on how much they could increase the homeowner's fees per year; therefore, a large maintenance

item could set up future homeowners for a special assessment which could be a detriment when selling or refinancing their homes. Commissioner Strandlie requested a response from the applicant regarding this issue over the deferral period.

Commissioner Flanagan verified with Mr. Rogers which access options were being considered before the Commission and asked if the application was approved with interparcel access would a barricade be constructed at that location. He reiterated the three access options and explained that the applicant would disclose to initial homebuyers the possibility of future interparcel access dependent upon the redevelopment of the adjacent property. Mr. Rogers noted that this site would initially be constructed of curbing and turf grass.

Commissioner Ulfelder referred to the conceptual layout, Figure 7, page 9 of the staff report, and asked staff if the adjacent property was redeveloped and granted interparcel access would the applicant close off their current access points and create a single entrance and exit located across from Burke View Avenue to serve both properties. Mr. Rogers confirmed, adding it was dependent upon the agreement from the adjacent property owner. Commissioner Ulfelder asked how staff would respond if the adjacent property owner wanted to have the access in a different location. Mr. Rogers said at this time staff was supportive of the access point shown in the staff report since it would reduce the number of conflict points for motorists on Burke Lake Road.

Clark Massie, Applicant's Agent, Tetra Corporation, started his presentation by stating that after receiving input from various county agencies the applicant had revised the original application to the currently proposed 12 lots with smaller dwelling units which allow for 30 percent open space, a density of 6.4 dwelling units per acre and a parking ratio of 4.77 spaces per dwelling unit. He explained that they had met with FCDOT, VDOT and the Fire Marshall's Office in order to determine the various alternative entry options for access to the development due to VDOT's regulations for a site permit entry and would provide for a potential interparcel access in the proffer conditions.

Mr. Massie addressed several issues raised by the Commission by explaining the following:

- The applicant had submitted a total of three options for access to the development due to VDOT requiring either a sight distance easement from the adjacent property owner or an access management waiver. The waiver had been submitted to VDOT and was pending a response. Due to the Commission's concerns over the options identified in Sheet 5A, Mr. Massie offered to remove it from consideration since the options in Sheet 5 could also meet VDOT's various requirements without the sight distance easement; thereby reducing the access options to two, identified on Sheets 4 and 5.
- Provisions had been made within the proffer conditions for possible interparcel access if the adjacent property was redeveloped along with an option to join their HOA.
- The applicant had provided an initial proffer of \$10,000 for the HOA which was broken down to include stormwater management and maintenance of the street. They were also required to submit the HOA documents and budget to the county attorney's office for approval prior to site plan approval. He noted that the state of Virginia required HOA's

to update their budgets and do a reserve analysis assessment every five years in order to ensure there were adequate reserves for future generations.

In closing, Mr. Massie said this application would allow for infill development, was consistent with the Comprehensive Plan and density surrounding the community, and they had received approval from the Springfield District Land Use Committee.

Secretary Hart confirmed with Mr. Massie that the applicant would remove access option Sheet 5A because it did not offer the interparcel access. Mr. Massie agreed.

Secretary Hart and Mr. Massie discussed the noise barrier proposed in the staff report; wherein, Mr. Massie explained that the applicant had been required to conduct a noise study and based upon those readings it was determined that a fence was needed to mediate the noise coming from Burke Lake Road.

Secretary Hart called the first listed speaker and recited the rules for testimony.

John Rephlo, 6130 Sherborn Lane, Springfield, representing Braddock District Land Use and Environment Committee, thought that the Commission should take into account the Burke Lake corridor when considering this application. He noted that Burke Lake Road was a heavily used roadway with traffic generated by students and buses from Lake Braddock High School and was also a popular route for commuters to the Fairfax County Parkway. Mr. Rephlo explained that Burke Lake Road was a four lane divided roadway with a posted speed limit of 40mph and for the past three years there was an average of one traffic accident with serious injury reported per month along this section. He indicated that currently there were two communities that required U-turns to access north and south bound travel on Burke Lake Road and thought the width of the roadway was not adequate for large cars, SUVs and delivery trucks to safely complete those U-turns. Mr. Rephlo noted that if this application was approved the Braddock Land Use Committee supported the Sheet 5 option for access since it provided for future interparcel access and a possible alignment of Burke View Avenue to allow motorist a safe crossover as depicted by Figure 7, Conceptual Design Access, page 9 of the staff report. He added that they also suggested for VDOT to reevaluate the posted 40 mph speed limit and review this application in conjunction with the recently approved assisted living development and any other potential development that could occur along this section of Burke Lake Road.

Commissioner Hedetniemi commended Mr. Rephlo for his comments about traffic concerns on Burke Lake Road and agreed that U-turns were not a good solution to traffic management. She asked FCDOT staff and the applicant to consider a better access design solution for the development.

Commissioner Flanagan discussed with Mr. Rephlo Figure 7, Conceptual Design Access, and pointed out that it could only be implemented if there was future redevelopment with approval of interparcel access with the adjacent property, noting that they would need to maintain that access jointly.

Commissioner Murphy pointed out that the U-turns on Burke Lake Road allowed those neighborhoods quicker access for their commutes and noted that recent development had extended the median strips which helped motorists be more visible to others when trying to make the U-turns.

Vicki Hall, 9615 Lincolnwood Drive, Burke, stated that she had submitted comments in writing to the Commission to be made a part of the record and addressed some of the earlier discussions by stating the following:

- She was a 15 year resident of the Lincolnwood Cluster community and the only available access to their neighborhood from northbound Burke Lake Road was a U-turn. This had become a traffic safety issue due to the widening of Burke Lake Road and development of properties over the years.
- A few years ago the applicant had developed the Bryce community and cited a standing water issue in her neighborhood as a result of this project. She also thought the median extensions that the applicant installed with this project did not resolve the conflict between right turn motorist from Shiplett Boulevard and the ones executing a U-turn at same intersection.
- Redesigning Burke Lake Road to minimize the height of the hill or implementation of a no right turn on red at Shiplett Boulevard would help alleviate traffic safety in this vicinity.
- Suggested that this parcel would be put to better use as a park land to allow a rest stop for bike and pedestrian traffic.

Anna Harper, 9601 Burke Lake Road, Burke, stated that she had lived on her property for 21 years and it was located adjacent to the applicant's property. She said because she did not want to sell her property at this time she hired a developer to help guide her through this process. Ms. Harper explained the following concerns before the Commission:

- Sufficient landscaping and screening between her property and the applicant's. She stated a concern over the amount of trees currently marked for removal and noted that the plan calls for a 15 foot landscape buffer and 10 foot utility easement.
- She was in support of the R5 or lower zoning petition the Lincolnwood Community had submitted.
- Requested community input and consultation with staff if the decision was deferred tonight.
- Supported the options on Sheet 5, page 5 of the staff report, Access Design Option.

- Reiterated previous speakers concerns over U-turns and traffic safety and suggested a yield to U-turn traffic sign.
- Modify the proffer condition regarding construction noise to Monday – Friday, 7 a.m. to 6 p.m. with no construction allowed on the weekend.

Commissioners Litzenberger and Murphy, Mr. Pikora, and Ms. Harper discussed her request for a yield sign; wherein, Mr. Pikora explained that there was such a sign available however, staff would have to make the request to VDOT and a performance study would be needed to see if it was necessary at that intersection.

In response to questions from Commissioner Flanagan, Ms. Harper said that she had met with the Cardinal Glen Association, the townhomes behind her property, and they were also in support of R5 rezoning. She explained that while she was not interested in interparcel access at this time she would leave that option up to a future developer if she sold her property.

Frank Maguire, 7003 Veering Lane, Burke, aligned himself with the previous speakers reiterating the traffic issues on Burke Lake Road.

Charlene Basye, 9619 Lincolnwood Drive, Burke, also cited traffic congestion, traffic noise and standing water issues in the area.

There being no more speakers, Secretary Hart called for a rebuttal statement from Mr. Massie.

Mr. Massie acknowledged the traffic issues along Burke Lake Road but indicated that those issues would not be alleviated by denying this application. He noted that currently the Lincolnwood community must utilize a U-turn to exit their development while the applicant's proposed development would be utilizing an existing left turn lane for access. Mr. Massie pointed out that since Ms. Harper, the adjacent property owner, had no interest in redeveloping her property at this time they were limited to Burke Lake Road as the only public access for this development. He said the applicant had developed the Bryce property off of Burke Lake Road a few years ago and at that time made several traffic improvements to the area by constructing a 300 foot turn lane on southbound Burke Lake Road, extended several medians, and provided additional monetary contributions to the county. Referring to a map of the area, Mr. Massie pointed out the non-single family uses along Burke Lake Road: Sunrise Assisted Living Facility, a rehabilitation facility, Burke Elementary School, two churches, a daycare and two townhouse communities. He indicated that the Sunrise facility would generate two and a half times more traffic than this proposed development. Based upon input from the county arborist, Mr. Massie said the applicant increased the buffers along the eastern and southern boundaries which included Ms. Harpers, noting that the tree removal along her boundary was for the access into the development. He also stated that there was a tree preservation site in that area so they were limited on the amount of trees allowed to be removed. In closing, Mr. Massie said that Burke Lake Road has approximately 12,000 vehicles per day using that roadway and this proposed development would generate an additional 110 vehicles which was one-tenth of one percent.

Referring to the various developments along Burke Lake Road, Commissioner Flanagan asked Mr. Massie how many sites were townhomes. He responded that there were 11 developments: two townhomes, two commercial, two churches, two assisted living facilities and the rest were single family developments. When Commissioner Flanagan pointed out that the townhomes were a minority development in this area, Mr. Massie explained that he was showing the variety of other types of uses that were not single family detached along Burke Lake Road and thought that their proposal was in conformance with the Comprehensive Plan which was zoned R5 to R8.

Commissioner Flanagan mentioned a previous transportation study called Planning Horizons, which occurred during the 1980's, that determined the county had planned development exceeding the ability of the road system; therefore, as a result several residential areas along Richmond Highway were reduced from their original densities by one-half. He asked if properties along Burke Lake Road were similarly affected by this study. Commissioner Murphy thought that Burke Lake Road was not affected by this study. Mr. Rogers added that Burke Lake Road was widened to four lanes around 1990.

Commissioner Murphy stated that prior to going on verbatim, he wanted to reiterate that he was going to defer the decision regarding this application and thanked the speakers for their testimonies. He stated that under the Dillon Rule there used to be a cap placed on the amount of money that a county could place on a road for improvements but once the House of Delegates lifted that restriction one of the first projects addressed was the expansion and redesign of Burke Lake Road. Mr. Murphy said it was designed and constructed by VDOT with road bond funds and was designed to handle a large volume of traffic while alleviating congestion on some of the roadways in the area including Old Keene Mill Road. He indicated that some of the issues brought up before the Commission could only be resolved by VDOT. Commissioner Murphy said he would defer to give the applicant additional time to address the issues related to the subject property and noted that the Commission could only deliberate on the rezoning application regarding this property and would not be able to address off-site issues. He referred to the letter submitted by Thomas Wilder noting that it referred to a stormwater management issue on the Choe family property located at 9604 Renton Drive, Burke, and asked the applicant to see if it could be addressed.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Secretary Hart closed the public hearing and recognized Commissioner Murphy for action on this case.

(Start Verbatim Transcript)

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Secretary Hart: I'll close the public hearing; recognize Mr. Murphy.

Commissioner Murphy: Thank you very much. Again, thank you all for coming out and testifying and I'm going to defer decision. I MOVE THE PLANNING COMMISSION DEFER THE DECISION ONLY ON RZ 2015-SP-003 TO A DATE CERTAIN OF 11/19 – 19. Thank you.

Commissioner Litzenberger: Second.

Secretary Hart: Seconded by Commissioner Litzenberger. Any discussion of the motion? Seeing none, we'll move to vote. All in favor, please say aye.

Commissioners: Aye.

Secretary Hart: Those opposed? That motion carries.

The motion carried by a vote of 10-0. Commissioners de la Fe and Lawrence were absent from the meeting.

(End Verbatim Transcript)

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The meeting was adjourned at 10:21 p.m.
Peter F Murphy, Chairman
James R. Hart, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Teresa M. Wang

Approved on: May 18, 2016



John W. Cooper, Clerk
Fairfax County Planning Commission